

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THEODORE EDWARD WHITFORD,  
JR.,

Defendant.

CR 13-23-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on November 5, 2015. Defendant admitted he had violated Standard Condition 7 of his supervised release by using methamphetamine and opiates, he had violated Special Condition 1 of his supervised release by failing to participate in substance abuse testing, he had violated Special Condition 2 of his supervised release by failing to participate in substance abuse treatment, and he had violated Special Condition 4 of his supervised release by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of four months, with 32 months of supervised release to

follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Condition 7 and Special Conditions 1, 2 and 4. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A sentence of four months in custody, followed by 32 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 40) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 24th day of November, 2015.



Brian Morris  
United States District Court Judge